

## Dewas' Legal Effect on KPK Independence: A View from Siyasa Dusturiyyah

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### Abstract

Juridical Implications of the Establishment of the Supervisory Board for the Independence of the Corruption Eradication Commission Siyasa Dusturiyyah's perspective describes the main function of the Supervisory Board is overseeing the performance of the KPK, including in terms of decorating performance targets, managing the budget, and supervising wiretapping and searches conducted by the KPK. The purpose of this writing is to provide a deeper understanding of the existence of the Supervisory Board in Law No. 30 of 2002 concerning the KPK and its impact on the independence of the KPK from the perspective of Siyasa Dusturiyyah. The type of research used in this study is normative-legal. The legal material collection technique used in this study is library research. Based on the study's findings, having the Supervisory Board on the independence of the Corruption Eradication Commission (KPK) from Siyasa Dusturiyyah's point of view has a positive effect. The Supervisory Board's existence as an independent supervisory institution can guarantee that the KPK operates in accordance with the law and is not subject to political or group interests.

**Keywords:** KPK Independence, Siyasa Dusturiyyah, Supervisory Board.

### Abstrak

*Implikasi yuridis pembentukan Dewan Pengawas terhadap independensi Komisi Pemberantasan Korupsi udut pandang Siyasa Dusturiyyah menggambarkan fungsi utama Dewan Pengawas adalah mengawasi kinerja KPK, antara lain dalam hal merancang target kinerja, mengelola anggaran, dan melakukan pengawasan. penyadapan dan penggeledahan yang dilakukan KPK. Tujuan penulisan ini adalah untuk memberikan pemahaman lebih dalam mengenai keberadaan Dewan Pengawas dalam Undang-Undang Nomor 30 Tahun 2002 tentang KPK dan dampaknya terhadap independensi KPK dalam perspektif Siyasa Dusturiyyah. Jenis penelitian yang digunakan dalam penelitian ini adalah hukum normatif.*



*Teknik pengumpulan bahan hukum yang digunakan dalam penelitian ini adalah penelitian kepustakaan. Berdasarkan temuan penelitian, keberadaan Dewan Pengawas independensi Komisi Pemberantasan Korupsi (KPK) dalam sudut pandang Siyasa Dusturiyyah memberikan dampak positif. Keberadaan Dewan Pengawas sebagai lembaga pengawas yang independen dapat menjamin KPK beroperasi sesuai hukum dan tidak tunduk pada kepentingan politik atau kelompok.*

***Kata kunci:*** *Independensi KPK; siyasa dusturiyyah; Dewan Pengawas KPK*

## INTRODUCTION

Indonesia is a country that has been grappling with the issue of corruption for a significant period. Indonesia has taken a significant step towards tackling corruption by establishing the Corruption Eradication Commission (KPK). This independent institution was created with the primary objective of eliminating corruption within the country (Hikmah 2020). In fulfilling its obligations, the Corruption Eradication Commission (KPK) wields extensive authority to investigate and prosecute instances of corruption.

Since its establishment, KPK has encountered numerous challenges and obstacles in fulfilling its obligations, particularly regarding the independence of the institution. One of the main challenges encountered by KPK is the existence of a supervisory board as stipulated in Law No. 30 of 2002 concerning the KPK, which raises an intriguing question for further deliberation.

Throughout history, there have been various intriguing aspects surrounding the establishment of KPK. The battle against corruption is consistently met with formidable obstacles. The conflict is not limited to physical confrontations but also encompasses ideological clashes within the domain of anti-corruption regulations. The early history of independence up until the Old Order (*Orde Lama*) era showcases instances where opposition groups successfully thwarted the establishment of anti-corruption regulations on at least two occasions (Kurnia 2020).

Secondly, the draft bill to the anti-corruption law from the early days of independence to the old order era has formulated progressive anti-corruption rules. These regulations include the implementation of the reverse burden of proof, asset confiscation, retroactive enforcement, and the disregard of banking secrecy regulations. All of these measures are dedicated at enhancing more effective corruption eradication.

Third, one crucial factor that played a decisive role in the successful implementation of anti-corruption legislation during that period was the active involvement of upright military leaders who acknowledged the dangers of corruption and thus advocated for its eradication (Indrayana 2017).

The correlation between KPK and the Supervisory Board is interconnected, as the Supervisory Board is an integral part of the KPK organization. Hence, this study centers on

the contentious topic that has sparked debate in society, which is the establishment of a Supervisory Board (Karman jaya 2021). The Supervisory Board is one of the structural components of KPK that serves as an instrument for ensuring checks and balances. The establishment of a supervisory board is required to minimize the risk of power abuse. The scheme is designed to promote good governance practices (Romansyah 2020).

The supervisory board serves as an independent overseer of the performance of KPK and ensures that KPK fulfills its obligations in accordance with the laws and regulations stipulated in Law No. 30 of 2002. However, the existence of the Supervisory Board can potentially limit the independence of KPK as the Supervisory Board can restrict policies and actions of KPK that are deemed contrary to political or economic interests.

*Siyasah Dusturiyyah* is a concept that refers to the theory of constitutional law in Islam, emphasizing the significance of adhering to the Constitution and positive law in governing public affairs. In this particular context, the Supervisory Board of KPK can be regarded as an integral component of the constitutional legal structure governing KPK. From the standpoint of *Siyasah Dusturiyyah* or constitutional law, the Supervisory Board has juridical implications regarding the independence of KPK. Therefore, the author is interested in discussing in more depth the Juridical Implications of the existence of the Supervisory Board on the independence of KPK from the standpoint of Constitutional Law. The purpose of this article is to provide a deeper understanding of the existence of the Supervisory Board in Law No. 30 of 2002 concerning the Corruption Eradication Commission (KPK) and its impact on the independence of KPK from a constitutional law standpoint.

From a constitutional law or *Siyasah Dusturiyyah* standpoint, there are various concerns arise regarding the judicial implications of the existence of the Supervisory Board on the independence of KPK. Several concerns have been raised regarding the current situation, including: 1) Potential Political Intervention; 2) Diversity and Competence of the Supervisory Board Members; 3) Influence on Policy Determination and Leadership of the Corruption Eradication Commission (KPK); 4) Lack of Mechanisms to Guarantee Independence.

## DISCUSSION

### Research Method

The research methodology utilized in this study is normative juridical research. Normative juridical research, also referred to as doctrinal legal research, is a form of scholarly inquiry that centers on the examination and elucidation of legal doctrines and principles. Normative juridical research is a legal research method that involves the examination of literature or secondary data as the primary material for study. This approach entails conducting a thorough search of regulations and relevant literature pertaining to the specific issue being researched (Mukhti Fajar and Achmad 2015).

Normative juridical research refers to a specific form of legal inquiry that focuses on the analysis and interpretation of regulations or laws, which are regarded as normative principles governing human behavior deemed appropriate. Normative juridical research endeavors to discover the relevant legal principles and pursue a more profound comprehension of the substance and significance of prevailing legislation.

The research problem addressed in this study centers around two specific formulations that will be investigated by the researcher. The juridical implications of the presence of the Supervisory Board on the independence of the Corruption Eradication Commission are a matter of significant concern. Also, the analysis of *siyasaah dusturiyyah* pertains to the presence of the Supervisory Board within the framework of the Corruption Eradication Commission (KPK) is worth exploring.

The approach employed in this study utilizes both the statute approach and the conceptual approach. The legislative approach, also commonly referred to as the statute approach, pertains to the examination of legal products. This approach is utilized to ascertain the entirety of legal regulations. The case-based approach seeks to examine the application of legal norms or principles in the field of legal practice during the course of research (Mukhti Fajar and Achmad 2015).

The aforementioned products and legal norms are as follows: the 1945 Constitution of the Republic of Indonesia, Law No. 30 of 2002 concerning the Corruption Eradication Commission. Law No. 19 of 2019 on the Second Amendment to Law No. 30 of 2002 concerning the Corruption Eradication Commission. The Conceptual Approach refers to the exploration of principles, doctrines, and legal sources in the juridical philosophical sense from the concept of supervision to examine the supervisory system within the institution of the Corruption Eradication Commission

The technique utilized by the author to obtain legal materials is referred to as library research. This technique entails pursuit and accumulation of legislation, books, as well as legal research publications including theses, journals, and papers (Milya 2020). The processing of legal materials involves a series of steps, beginning with the careful selection of relevant legal materials. These materials are then classified based on their respective categories and organized systematically to ensure efficient data management. The process is carried out in a logical manner, ensuring that there exists a correlation and linkage between various legal materials to obtain a comprehensive understanding of the research findings.

### **Global Concept of Corruption Eradication Commission**

The Corruption Eradication Commission (KPK) is an independent institution with the responsibility of combating corruption in Indonesia (Abdullah 2014). KPK was established based on Law No. 30 of 2002 concerning the Corruption Eradication Commission and further regulated by Law No. 19 of 2019 concerning

Amendments to Law Number 30 of 2002 concerning the Corruption Eradication Commission (Wachid 2015).

The duties of KPK encompass the investigation, prosecution, and indictment of corruption offenses. KPK also responsible for the preventing acts of corruption through coordination, supervision, and monitoring of the performance of state institutions and government agencies. KPK is granted the authority to execute its responsibilities and is recognized as an independent law enforcement institution (Habibi 2020).

KPK actively engages collaborate with various parties such as other law enforcement agencies, civil society organizations, and mass media in attempts to combat corruption in Indonesia. KPK has successfully handled multitude cases of corruption involving government officials, businessmen, and various individuals. KPK has successfully managed a number of high-profile notable cases, including the Bank Century case, the e-KTP case, and the corruption case in the Ministry of Maritime Affairs and Fisheries (Sovianti 2019).

The establishment of the Corruption Eradication Commission as an attempt to achieve a corruption-free government is mandated by Article 43 Paragraph (1) of Law No. 31 of 1999 concerning the Eradication of Corruption. This provision stipulates that the establishment of the Corruption Eradication Commission must be completed no later than the effective date of this law.

The establishment of KPK as a new institution to combat corruption in Indonesia has been supported by the granting of unprecedented powers to effectively combat corruption. These powers encompass coordinating investigations, prosecutions, and indictments of corruption crimes; reporting on anti-corruption activities; and requesting information on anti-corruption activities from relevant agencies.

According to Article 3 of Law No. 30 of 2002 concerning the Corruption Eradication Commission, KPK has also been categorized as an independent state institution that is free from any external influence in carrying out its duties and authorities. This measure is undoubtedly aimed at safeguarding the integrity of anti-corruption efforts from any external influences or hidden agendas that may deviate from the primary objective of combating corruption.

In addition, attempts to empower the Corruption Eradication Commission have been supported by strategic provisions (Pramono 2022). These provisions include:

1. The provisions outlined in Law No. 31 of 1999 concerning the eradication of corruption, as amended by Law No. 20 of 2001 concerning amendments to Law No. 31 of 1999 concerning the eradication of corruption. These amendments encompass various aspects, including the expansion of valid evidence and provisions related to the principle of reverse proof.
2. Provisions regarding the authority of the Corruption Eradication Commission to carry out investigative, prosecutorial, and indictment tasks against government

- officials without encountering procedural obstacles due to their government officials' status.
3. The provisions regarding the accountability of the Corruption Eradication Commission to the public and the obligation to submit reports publicly to the President of the Republic of Indonesia, the House of Representatives of the Republic of Indonesia (DPR), and the Supreme Audit Agency.
  4. The provisions regarding the aggravation of criminal threats against members of the commission or employees of the corruption eradication commission who commit corruption offences.
  5. The provisions regarding unconditional dismissal of members of the corruption eradication commission who commit corruption offences.

Table 1.1 Comparison of the Substance of the Corruption Eradication Commission Law Before and After Amendments (Habibi 2020).

Subject	Before the amendment of KPK Law	After the amendment of KPK Law	Description
Position of KPK	KPK is a state institution that carries out its duties and authorities independently and free from any influence of power	KPK is a state institution within the executive branch power that carries out its duties and authorities independently and free from any influence of power	As KPK falls under the purview of the executive branch, the President, in his capacity as the head of government, has the authority to establish a supervisory board
Institutional Structure of KPK	There is an advisory team of 4 (four) member	The inclusion of a Supervisory Board of 5 (five) persons	The inclusion of the Supervisory Board within the KPK institution has resulted in the removal of provisions related to the advisory team
Duties of KPK Leader	KPK leader is investigator and public prosecutor	KPK leader is collegial collective	Article 21 paragraph (4) regarding the status of the leaders of KPK and public prosecutors has been abolished. This can imply that the status of the KPK leadership functions solely in an

			administrative capacity
Person in Charge	KPK leader serves as the highest person in charge	Removed	The mandate to assume the highest level of responsibility by the KPK leader was removed after the amendment
Supervisory Board	-	Between Article 37 and Article 38, 7 (seven) additional articles are inserted, particularly Article 37A, Article 37B, Article 37C, Article 37D, Article 37E, Article 37F, and Article 37G.	In the recent amendment to the KPK Law, a Supervisory Board has been established to oversee the implementation of the KPK's duties and authorities.
Wiretapping Rules	-	Wiretapping is carried out after obtaining written permission from the supervisory board	Permission was obtained based on a written request from KPK leader
Investigations	Based on a strong suspicion of sufficient preliminary evidence, the investigators are empowered to conduct a seizure without the permission of the Chief Justice of the District Court in relation to their investigative duties	In the process of investigation, investigators are authorized to conduct searches and seizures with written permission from the Supervisory Board	During the investigation process, investigators are authorized to conduct searches and seizures with written permission from the Supervisory Board. The Supervisory Board must grant or refuse permission within a maximum period of 24 hours from the time the request is submitted. Based on its authority outlined in Article 37B paragraph (1) letter b, it can be inferred that the Supervisory Board may refuse to grant permission

### **The Independence of the Corruption Eradication Commission**

The Independence of KPK is a fundamental principle that underlies the institution in carrying out its duties as an anti-corruption agency. The independence of KPK is guaranteed by the constitution and legislation in Indonesia (Rizaldi 2021). As an independent institution, KPK operates without being influenced by any specific political interests or the interests of any particular group that may hinder its anti-corruption mission. KPK also operates independently without any external interference in carrying out its duties. This includes interference from the executive, legislative, or judicial branches of power. The independence of KPK is ensured through various mechanisms (Manalu and Firdausy 2020), including:

1. The appointment of KPK leader is carried out by the President with the approval of the DPR, without being influenced by political parties.
2. Members of KPK have long tenures and are not easily reshuffled or replaced by external parties.
3. KPK possesses the right to express independent opinions concerning governmental policies or actions, encompassing those pertaining to anti-corruption endeavors.
4. KPK possesses independent authority to conduct investigations, prosecutions, and legal indictments against corruption offences.

The presence of KPK and its independence is expected to enable the institution can work effectively and efficiently in combating corruption without any external interference. This measure will additionally guarantee the establishment of public trust in KPK as an institution committed to firmly and fairly combating corruption. The independence of KPK is determined by various factors (Arifin 2021), including:

1. Leadership Structure - KPK leadership must be independent and free from any interference, enabling them to make decisions remains unaffected by personal or political interests.
2. Budget - KPK must have sufficient funding to effectively carry out its duties and should not rely on any party for financial support.
3. Labor - KPK must have independent and professional staff with adequate backgrounds and competencies.
4. Investigation and Prosecution Rights - KPK must possess strong and independent investigation and prosecution rights, unaffected by any external influences, to effectively address corruption cases.
5. Legal Protection - KPK must be protected by the law to carry out its duties independently and free from any interference by any party.

Judicial independence is a crucial factor in combating corruption, preventing political manipulation, and enhancing public trust in state institutions. Interventions



against independence may originate from the executive, legislative, local government, government apparatus or parliament members, political elites, economic powers, military, academics, and the judiciary itself (Hajati 2019).

### **Corruption Eradication Commission Supervisory Board**

The Supervisory Board is an institution established to provide oversight over a particular institution or organization. The Board of Supervisors typically composed of a group of individuals selected according to specific criteria, whose responsibility is to ensure that the institution or organization operates effectively in alignment with established goals and regulations.

The Supervisory Board is established based on Law No. 30 of 2002 concerning the Corruption Eradication Commission and further regulated by Law No. 19 of 2019 concerning Amendments to Law No. 30 of 2002 concerning the Corruption Eradication Commission. In carrying out its duties, the Supervisory Board has several functions, including:

1. Supervising the performance of KPK in executing its duties in combating corruption.
2. Providing advice and considerations to KPK regarding strategic decision-making related to combating corruption tasks.
3. Conducting evaluation and monitoring of the follow-up actions of recommendations provided to KPK.
4. Accepting and handling complaints related to the implementation of KPK duties.
5. Providing recommendations to the President regarding the appointment and dismissal of KPK leader.

The Supervisory Board is composed of five members appointed by the President with the approval of the House of Representatives (DPR) for a term of five years and can be renewed once. The members of the Supervisory Board are selected from individuals who possess a high reputation and integrity, as well as experience in the fields of law, governance, or anti-corruption.

The existence of the Supervisory Board could be widely accepted if the authority of the board to grant or deny permission for investigation and prosecution processes, as stated in Article 37B paragraph (1) letter b of Law No. 19 of 2019 concerning the Second Amendment to Law No. 30 of 2002 concerning the Corruption Eradication Commission, is abolished or eliminated. Ensuring non-interference of the supervisory board in law enforcement and emphasizing its primary role in overseeing the institutional authority of KPK. It is imperative to acknowledge that supervision requires the exclusion of certain crucial issues, as not all activities can be monitored.

In Indonesia, the external supervision function regarding judicial ethics is carried out by the Judicial Commission. This is done to implement the mechanism of checks

and balances. The idealism of a democratic system of governance does not necessarily guarantee harmonious relations among its institutions. The Independence of this institution is necessary for ensuring effective power limitation and democratization (Susiani 2019).

### **Juridical Implications of the Supervisory Board on the Independence of the Corruption Eradication Commission**

The juridical implications of the Supervisory Board existence on the independence of KPK are that the presence of the Supervisory Board can potentially affect the independence of KPK in carrying out its duties. The Supervisory Board is expected to ensure that KPK operates in accordance with the law and remains not influenced by any political or specific groups' interests. Furthermore, the Supervisory Board plays a crucial role in upholding the credibility of KPK and preventing any potential abuse of power by KPK investigators.

However, the existence of the Supervisory Board may also potentially diminish the independence of KPK if its supervision becomes excessively intrusive in the operational affairs of KPK. Hence, a clear and precise mechanism is required to ensure that the supervision carried out by the Supervisory Board does not disrupt the operational activities of KPK. On the contrary, the existence of the Supervisory Board can also yield a positive impact on KPK if the supervision is carried out effectively without disrupting the operational activities of KPK. The Supervisory Board ensures that KPK carries out its duties independently and effectively in combating corruption in Indonesia.

Ultimately, the juridical implications of the Supervisory Board existence on the independence of KPK depend greatly on the manner in which the Supervisory Board carries out its supervisory tasks and functions. In essence, it is imperative to establish clear and effective policies and regulations for the Supervisory Board to provide maximum benefits to KPK in carrying out its duties.

Therefore, the study concludes that the existence of the Supervisory Board within the Corruption Eradication Commission (KPK) carries significant juridical implications for the independence of KPK as an anti-corruption institution in Indonesia. The existence of the Supervisory Board has several juridical implications on the independence of KPK:

1. Oversight of KPK's Performance: The Supervisory Board is tasked with overseeing the performance of the Corruption Eradication Commission (KPK), both in terms of budget utilization and the execution of its duties. This ensures that the Corruption Eradication Commission (KPK) does not operate arbitrarily or excessively in carrying out its duties, and protects the public from potential abuse of authority by KPK.
2. Selection of KPK Leader: The Supervisory Board holds the authority to provide recommendations on KPK leader appointment to the President. This can

potentially affect the independence of the Corruption Eradication Commission (KPK), particularly if the appointment of KPK leaders is influenced by political interests.

3. Performance Evaluation: The Supervisory Board bears the responsibility to periodically evaluate the performance of KPK. This ensures that KPK continues to enhance its performance and stays aligned with its duties and authorities.

However, there are several factors that can threaten the independence of KPK despite the existence of the Supervisory Board. These factors include:

1. The presence of a non-independent Supervisory Board: If the members of the Supervisory Board are appointed by the President and the DPR, concerns may arise regarding their independence. This can affect the overall performance of the Corruption Eradication Commission (KPK).
2. Potential political interference: The involvement of political power in the appointment of members of the Supervisory Board could potentially impact the independence of KPK. This is because the appointment of the Supervisory Board members may be driven by specific political interests.
3. Non-transparency of the selection process: As the selection process for members of the Supervisory Board lacks transparency and openness, it can raise doubts regarding its independence. The potential repercussions of this situation could tarnish the reputation of KPK as an independent and trustworthy institution in handling corruption cases in Indonesia.

Therefore, it is crucial to guarantee that the Supervisory Board within KPK operates independently and devoid of any specific political or power interests. In addition, the selection process of the Supervisory Board members must be in transparent and inclusive manner. This process must also consider the abilities and competencies of the members to ensure the independence of KPK. Thus, the existence of the Supervisory Board can provide a positive contribution to the attempts of combating corruption in Indonesia without jeopardizing the independence of KPK.

The discipline of *Fiqh Siyasa* has evolved since the very beginning of the Islamic caliphate and has consistently progressed alongside the growth of the Islamic governance system. The discipline of *Fiqh Siyasa* delves into various issues including the law of governance, the obligations of leaders, the rights of the people, the relations between Muslim nations, and so forth.

In the field of *Siyasa Fiqh*, numerous principles and legal regulations are to be taken into account in matters of governance. These encompass:

1. The government should be based on the principles of Islamic Sharia.
2. The government must be based on consultation and consensus between the government and the citizens.

3. The government must prioritize the public welfare (*maslahah*) and ensure justice for all citizens.
4. The leader must possess good leadership qualities, including fairness, honesty, trustworthiness, and a proclivity toward the welfare of the citizens.
5. Leaders must be held responsible for their actions and decisions in the presence of Allah SWT and the community (Gusmansyah 2019).

The chapter on *fiqh siyasah* that will be utilized in examining this study pertains to the concept of *fiqh siyasah dusturiyyah*. The primary objective of the study on the concept of *siyasah dusturiyyah* is to delve into matters legislation or constitution, the relationship between state institutions, as well as the relationship between state institutions and their citizens (Mutiarra 2017). The general concept of *siyasah duturiyyah* explores the relationship between leaders and their citizens, as well as the institutions within a country, in light of the citizens' requirements for their well-being and the fulfillment of their own needs.

A constitutional government system is a form of governance that is guided by a constitution or fundamental law, which establish strict rules to prevent arbitrary decision-making by the government. In this system, the fundamental rights and obligations of citizens are clearly and firmly regulated, and the government is held responsible to its citizens for its actions and decisions.

In the modern context, *Siyasah Dusturiyyah* hold significant concept in ensuring the stability and security of a state, as well as guaranteeing the fundamental rights of its citizens. The existence of KPK in Indonesia is undoubtedly distinct from other governmental institutions in the realm of *fiqh siyasah dusturiyyah*. However, the *al-mazalim* jurisdiction can be considered to possess almost the same authority as KPK due to its primary function of supervising holders of state government power. The *al-mazalim* jurisdiction serves as the recipient and resolver of citizens' complaints arising from violations committed by authorities (Dan et al. 2022).

Likewise, KPK also serves the purpose of combating corruption by corrupt individuals. The fundamental distinction between the two entities lies in their jurisdictional authority, with *al-mazalim* falling under the purview of the judiciary while KPK operates under the executive branch. Consequently, KPK does not possess its own judges as it is not integrated into the judicial system. In conclusion, despite not having judges as it is not part of the judiciary, KPK still possesses independent authority in conducting investigations and prosecuting corruption cases.

The Supervisory Board is an internal supervisory institution within the framework of KPK which established to provide supervision, control, and monitoring of the implementation of KPK's tasks and functions. The existence of the Supervisory Board is expected to enhance the accountability and transparency of the KPK's performance.

However, there are certain parties criticize the existence of the Supervisory Board as it is considered to potentially disrupt the independence of KPK (Ariana 2016).

Several parties have expressed concerns regarding the existence of the Supervisory Board could potentially jeopardize the independence of KPK as it is believed that the establishment of this board may restrict the authority of KPK in conducting investigations, prosecutions, and indictments related to corruption offenses. In addition, the existence of a Supervisory Board can also potentially lead to conflicts of interest between the Supervisory Board members and the KPK leader.

From the perspective of *Siyasah Dusturiyyah*, the existence of the Supervisory Board within KPK is justified by the stipulations outlined in Article 37B of Law No. 19 of 2019 concerning the KPK. According to the article, the Supervisory Board is an institution consisting of five members appointed by the President with the approval of the House of Representatives which has the responsibility of overseeing the execution of tasks and authorities of KPK (Hikmah 2020).

From the perspective of *Siyasah Dusturiyyah* or constitutional governance system, the existence of the Supervisory Board within KPK is of utmost importance. The reason behind this is that the Supervisory Board functions as an independent supervisor of the performance of KPK and ensures that KPK carries out its duties in compliance with the 1945 Constitution and applicable legislation.

In a constitutional government system, it is imperative that the authority of the government is constrained by a fundamental law or constitution. The power must be wielded in a transparent, accountable, and responsible manner to the citizens. Therefore, the existence of the Supervisory Board within KPK plays a pivotal role in safeguarding against potential misuse of power and ensuring that KPK operates in accordance with its assigned tasks and authorities.

In this regard, the Supervisory Board within KPK also bears the responsibility of ensuring that KPK operates independently, particularly in cases of dealing with corruption involving government officials or political elites. KPK must operate independently and remain unaffected by political or any specific interests that may hinder its duties and authorities.

From the perspective of *Siyasah Dusturiyyah*, the existence of a Supervisory Board within KPK can guarantee the effective and efficient execution of KPK responsibilities, while also ensuring that the principles of justice and truth can be upheld. Although the existence of the Supervisory Board is a requirement for KPK, KPK must uphold its independence in executing its duties and functions as impartial law enforcement institution, untainted by political or any other interests that may disrupt its performance. KPK must persist in its commitment to prioritize endeavors in the prevention and eradication of corruption while upholding the principles of professionalism and independence.

Based on the findings of the literature review, it can be inferred that the existence of the Supervisory Board within KPK holds significant legal implications, particularly regarding the independence of KPK as a law enforcement institution that operates without political or other interests. Therefore, it is imperative for attempts to uphold a balance between the supervisory function and the independence of KPK in carrying out its duties.

*Siyasaḥ Dusturiyyah* Analysis of the Existence of the Supervisory Board within KPK can be examined through the lenses of constitutionalism and the rule of law. According to *Siyasaḥ Dusturiyyah* perspective, the government ought to be founded upon the existing legal framework and must uphold the principles of constitutionalism. These principles encompass good governance, democracy, rule of law, and recognition of human rights.

In the context of KPK, the existence of the Supervisory Board as an independent supervisor institution holds immense significance to ensure that the KPK operates in compliance with the law and remains unaffected by political or any specific group interests. As an independent supervisory institution, the Supervisory Board is entrusted with the crucial responsibility of upholding the credibility of KPK and prevent abuse of power by KPK investigators (Habibi 2020).

*Siyasaḥ Dusturiyyah* analysis regarding the existence of the Supervisory Board must consider its jurisdictional boundaries to preserve the independence of KPK. The Supervisory Board should refrain from excessive interference in the KPK's operational affairs, thereby enabling KPK to operate independently in carrying out its duties. In addition, it is imperative that the mechanism for appointing members of the Supervisory Board be transparent and grounded in the high quality and integrity of the members.

The results of the *Siyasaḥ Dusturiyyah* analysis regarding the presence of the Supervisory Board within KPK institution indicate that the existence of the Supervisory Board can potentially provide benefits for the independence of KPK if the supervision is conducted effectively and does not disrupt the operational activities of KPK. Therefore, the adoption of clear and effective oversight mechanisms becomes imperative to enable the Supervisory Board to effectively execute its responsibilities and deliver maximum benefits to KPK in the execution of its duties.

The following are several points of analysis by *Siyasaḥ Dusturiyyah* regarding the existence of the Supervisory Board within the institution of the Corruption Eradication Commission (KPK):

1. The Principle of Sharia: *Siyasaḥ Dusturiyyah* emphasizes the significance of the Sharia principle in running government and managing political affairs. In the light of the existence of the Supervisory Board within KPK, it can be inferred that the Supervisory Board must carry out its duties regarding Sharia principles, including justice and transparency.

2. Principle of Justice: One of the key principles in *Siyasah Dusturiyyah* is justice. In the context of the existence of the Supervisory Board within KPK, the Supervisory Board must ensure that KPK carries out its duties in a fair and without discrimination in handling corruption cases.
3. The Principle of Transparency: The principle of transparency holds significant importance in *Siyasah Dusturiyyah* as well. In the context of the existence of the Supervisory Board within KPK, the Supervisory Board must carry out its duties openly and transparently to the public. This scheme ensures that the KPK's performance is clearly comprehensible to all while also allowing for valuable input and support from the public.
4. The Principle of Accountability: The Principle of Accountability is also a concern in *Siyasah Dusturiyyah*. The Supervisory Board of KPK is obligated to carry out its duties in an accountable manner, which entails being responsible for the actions and decisions taken regarding the performance of KPK.
5. The Potential for Political Interference: *Siyasah Dusturiyyah* also highlights the possibility of political interference in governance and politics, which has the potential to undermine principles of justice and accountability. Therefore, the Supervisory Board within KPK must remain unaffected by the influence of any particular political interest in carrying out its duties.
6. Potential Threats to the KPK's Independence: The existence of the Supervisory Board within KPK could potentially jeopardize its independence. Therefore, it is imperative to ensure the safeguarding of the Supervisory Board to prevent any potential threats to the independence of KPK.

In the context of the existence of the Supervisory Board within KPK, *Siyasah Dusturiyyah* analysis emphasizes the importance of carrying out its duties concerning the principles of Sharia, justice, transparency, and accountability. The Supervisory Board must also be safeguarded against the influence of certain political interests and should not pose a threat to the independence of KPK.

Therefore, it is imperative to consistently monitor and critically evaluate the role and function of the Supervisory Board in upholding the independence and performance of KPK within the framework of *Siyasah Dusturiyyah*. This is essential to guarantee that KPK operates in compliance with the principles of good governance, as dictated by the law and the constitution.

## CONCLUSION

From the perspective of *Siyasah Dusturiyyah*, the juridical implications of the existence of the Supervisory Board on the independence of the Corruption Eradication Commission (KPK) are positive. The existence of the Supervisory Board as an independent supervisory

institution ensures that KPK operates in compliance with the law and is not influenced by political interests or the interests of specific groups. Furthermore, the Supervisory Board plays a crucial role in upholding the credibility of KPK and preventing abuse of power by KPK investigators. With the presence of a good oversight mechanism, KPK is anticipated to enhance its effectiveness and efficiency to carry out its duties in combating corruption in Indonesia.

However, the existence of the Supervisory Board must also be taken into consideration so as not to diminish the independence of KPK. The Supervisory Board should refrain from excessive interference in the operational affairs of KPK, allowing KPK to maintain its independence and effectiveness in carrying out its duties. Ultimately, the existence of the Supervisory Board has the potential to provide benefits for the independence of KPK in terms of *Siyasa Dusturiyyah*, as long as the supervision is conducted effectively and does not disrupt the operational activities of KPK.

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